

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

-v- :

JOSE POLO, :

Defendant. :

- - - - - x

SEALED
INDICTMENT

S3 07 Cr.

FILED

4/16/07

COUNT ONE

The Grand Jury charges:

1. From in or about 2004 up to and including in or about April 2007, in the Southern District of New York and elsewhere, JOSE POLO, the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE POLO, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about February 17, 2007, a shipment of approximately 50 kilograms of cocaine was unloaded at the New York Container Terminal in Staten Island, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, JOSE POLO, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

Substitute Asset Provision

i. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or

deposited with, a third person;

(3) has been placed beyond the jurisdiction
of the Court;

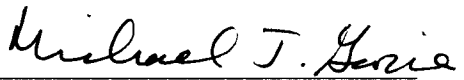
(4) has been substantially diminished in
value; or

(5) has been commingled with other property
which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. §
853(p), to seek forfeiture of any other property of said
defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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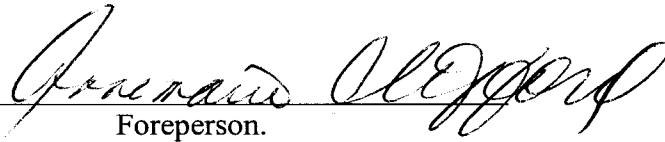
INDICTMENT

S3 07 CR _____

(Title 21, United States Code, Section 846)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

Indictment filed
F. Alvarez, USMT

1st file
RC
4/16/07